

REMARKS

Claims 1-20 are present in the instant application. At the outset, Applicant gratefully acknowledges the withdrawal of the rejection of claims 4, 5, 8, 10, 11, 13, 14, 17, 19 and 20, and the indication of allowable subject matter in claims 4-11 and 13-20. In the Office Action, claims 1-3 and 12 are again rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,335,368 to Tamura (hereinafter, "Tamura"). Applicant respectfully traverses the rejection, for at least the reasons set forth below.

Claim 1 recites a foldable portable radio terminal comprising, *inter alia*, a matching characteristic changeover circuit for changing over the characteristic of an antenna matching circuit so that the antenna characteristic when the portable radio terminal body is folded and the antenna characteristic when the portable radio terminal body is not folded are equal to each other. The Office Action avers that this feature is taught in Tamura. Applicant respectfully disagrees.

Tamura discloses at Col. 3, lines 47-55:

The capacitance of capacitor C2 is selected so that the impedance of matching circuit 12 makes the antenna 20 and the circuit 11 impedance match with each other in the unfolded state of the casing. The capacitance of capacitor C3 is, on the other hand, selected so that the impedance of matching circuit 12 makes the antenna 20 and the circuit 11 impedance match with each other in the folded state of the casing and **in the refracted state of antenna 20 in the upper casing 10.** (Emphasis added)

Further, Tamara goes on to state at Col. 4, lines 13-22:

Moreover, in a case where the antenna 20 is pivotable and extendable as shown in FIG. 7 so that the antenna 20 is accommodated in the upper casing 10 as shown in FIG. 8 when the apparatus is folded, since the antenna is ordinarily contracted in the call waiting state, **the matching of the antenna 20 is favorably established on assumption that the antenna 20 is accommodated in the upper casing 10**

when the projection 13a of the switching unit 13 is brought into contact with the lower casing 40. (Emphasis added)

From these two disclosures, it is clear that Tamara does not adjust the matching characteristic of the antenna matching circuit so that the antenna characteristic when the portable radio terminal body is folded and the antenna characteristic when the portable radio terminal body is not folded are equal to each other. Rather, Tamara simply interprets the folded or unfolded state of the apparatus casing as a proxy for the extended or refracted state of the antenna, and selects a capacitor according to that physical configuration. Tamara's adjustment accounts for the extension or refraction of the antenna, not for the folded or unfolded state of the radio body.

It has been decided by the courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984). Therefore, claim 1 will be seen as patentably distinguished over Tamara. Claims 2, 3, and 12 each depend, either directly or indirectly, independent claim 1. These dependent claims are each separately patentable, but are offered as patentable for at least the same reasons as underlying independent claim 1. Therefore, Applicant respectfully submits that the rejection has been obviated, and kindly requests favorable reconsideration and withdrawal.

In the interest of brevity, Applicant has addressed only so much of the rejection as is considered necessary to demonstrate the patentability of the claims. Applicant's failure to address any part of the rejection should not be construed as acquiescence in the

propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowability. If the Examiner has any reservations in allowing the claims, and believes that a telephone interview would advance prosecution, they are kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Torrente", with a stylized flourish at the end.

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